

7. The headings of Divisions V and VI are amended by striking out the words “À UN CONCOURS” in the French text.

8. Section 21 is amended by inserting the words “or in the candidate inventory” after the word “competition” in the first paragraph.

9. Section 22 is amended by adding the following paragraph at the end:

“A person who is eligible for a candidate inventory shall be responsible for updating his application form and the required supporting documents.”.

10. The following is substituted for section 27:

“27. The result a person obtains following an examination or part of an examination in a competition or a candidate inventory may be transferred to any competition or candidate inventory where the following two conditions are met:

(1) the content of the examinations or parts of the examination is identical; and

(2) the period between the dates of those examinations or parts of the examination does not exceed twelve months.”.

11. The following is inserted after Division VII:

“DIVISION VII.1

USE OF CANDIDATE INVENTORIES

31.1. A candidate inventory may be used for a period of two years from the date of its establishment. Notwithstanding the foregoing, the period for using the candidate inventory may be extended, each extension corresponding to one year, by taking the following criteria into consideration:

(1) the number of applicants eligible for the candidate inventory or whose eligibility is established by the evaluation, as the case may be, who have not yet been declared qualified;

(2) the number of positions likely to be filled after competitions are held from the candidate inventory; and

(3) the appropriateness of the evaluation procedure used in relation to the nature of the position.

31.2. A candidate inventory may only be used for the purposes set forth in the notice of competition.”.

12. Division VIII, including sections 32 to 34, is revoked.

13. Section 40 is amended

(1) by substituting “either one of the lists may be used” for “the list which first took effect shall have priority for purposes of using the lists for a given staffing method” in the first paragraph; and

(2) by deleting the third paragraph.

14. Section 13 of this Regulation does not apply in respect of a qualifications list that took effect before the coming into force of this Regulation until the date provided for its expiry at the time of the coming into force of this Regulation.

15. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4211

Draft Decree

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Installation of petroleum equipment — Amendments

Notice is hereby given that the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour has received a petition for amendments to the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33) from the contracting parties governed by the Decree and that, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the “Decree to amend the Decree respecting the installation of petroleum equipment”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the Draft Decree is to update certain conditions of employment which have remained unchanged since 19 April 2000.

To do so, it proposes to update and clarify certain definitions, to adjust the duration of the regular workday according to the work to which the employee is assigned, to specify the type of work to which the shift premium applies, to determine the conditions to be applied when

an employee is called back to work after the end of a regular workday, to add 25 December to the list of holidays and to adjust accordingly the indemnities to which employees are entitled, to reduce from 5 to 4 the ratio of the number of Class A employees, to increase the employee's share in the fringe benefits fund by \$1.20 and to increase the employer's and employee's contribution to the employees' pension plan from \$0.20 to \$0.32. Finally, the Draft Decree proposes to extend the duration of the Decree to 31 December 2001 with an automatic renewal clause.

The Decree was already the subject of an economic impact analysis in 1999 and this Draft Decree is currently being studied. During the consultation period, the impact of the amendments sought will be clarified. According to the 2000 annual report of the Comité paritaire de l'installation d'équipement pétrolier, the Decree governs 50 employers, 10 artisans and 349 employees.

Further information may be obtained by contacting Mr. Michel Roberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1, telephone: 418-528-9701, fax: 418-528-0559, e-mail: michel.roberge@travail.gouv.qc.ca.

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

ROGER LECOURT,
Deputy Minister of Labour

Decree to amend the Decree respecting the installation of petroleum equipment*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2 and 6.1)

1. Section 1.01 of the Decree respecting the installation of petroleum equipment is amended:

(1) by substituting the following for paragraphs 1 and 2:

“(1) “equipment”: tanks, piping, meters, safety devices, leakage detection devices, compressors, elevators, oil interceptors as well as their parts and accessories installed with operators or users as defined in the Petroleum Products Regulation, made by Order in Council No. 753-91 dated 29 May 1991, and intended for:

(a) the operation of an establishment where motor vehicles are kept, maintained or repaired;

(b) the operation of an establishment or filling centre where a petroleum product or its derivatives are sold, distributed, exchanged in bulk or stored;

(c) to tanks of tank trucks used for the transport of petroleum products or by-products and related parts and accessories;

(2) “installation”: all operations required for setting up and activating equipment, including excavation, backfilling, cement and welding framework as well as the construction of pump islands and the compressor base-plate;”;

(2) by inserting, after paragraph 2, the following:

“(2.1) “service”: the maintenance, inspection, alteration, connection, adjustment, replacement, restoration, repair, welding and checking of equipment on site;”;

(3) by substituting the following for paragraph 4:

“(4) “service mechanic”: employee who is a service attendant on a regular basis;”;

(4) by substituting the following for paragraph 6:

“(6) “installation mechanic”: employee who is an installation attendant on a regular basis;”;

(5) by deleting paragraph 8;

(6) by substituting the following for paragraph 11:

“(11) “spouse” means either of two persons who:

- i. are married and cohabiting;
- ii. are living together in a de facto union and are the father and mother of the same child;
- iii. are of opposite sex or the same sex and have been living together in a de facto union for one year or more;”.

2. Section 2.01 of the Decree is amended by adding, at the end, the following words:

* Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33) was last amended by the Regulation made by Order in Council No. 462-2000 dated 5 April 2000 (2000, G.O. 2, 2013). For previous amendments, please refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

“as well as the removal and flushing of soil contaminated by a petroleum product and its derivatives”.

3. The following is substituted for section 3.02:

“**3.02.** The regular workday is as follows:

(1) for installation employees: eight hours scheduled between 6:30 a.m. and 5 p.m., with one hour off without pay for the noon meal;

(2) for service employees: eight hours scheduled between 7:30 a.m. and 7 p.m., with one hour off without pay for the noon meal;

(3) for all other employees: eight hours scheduled between 8 a.m. and 5 p.m., with one hour off without pay for the noon meal.”.

4. The following is substituted for section 3.04:

“**3.04.** In addition to the hours of the regular workday, time spent by the employee travelling from the employer’s establishment to the job site and back again, and between job sites, is paid time and a half.”.

5. The following is substituted for section 3.10:

“**3.10.** Shift premium: An installation employee working on the second or third shift is paid an hourly premium of \$0.35.”.

6. The following are substituted for sections 4.02 and 4.03:

“**4.02.** The first 4 overtime hours worked over and above the regular workday and those worked on Saturday are paid time and a half.

4.03. Except for the hours worked as provided for in section 3.04, overtime hours worked on Sunday and on holidays as well as hours worked over and above those specified in section 4.02 are paid double time.

Hours worked on a holiday also entitle employees to indemnity for that holiday as provided for in section 6.03.”.

7. The following are substituted for section 4.05:

“**4.05.** When an employee is called back to work after his or her regular workday, that employee is entitled to be paid double time.

4.05.1. An employee who reports to work at his place of employment at the express demand of his employer or in the regular course of his employment and who works

fewer than three consecutive hours, except in the case of a fortuitous event, is entitled to an indemnity equal to three hours’ wages at the prevailing hourly rate, except where the application of sections 4.02, 4.03 or 4.05 provides him with a higher amount.

The first paragraph does not apply where the nature of the work or the conditions of execution require the employee to be present several times in the same day, for less than three hours each time.”.

8. The following is substituted for section 5.01:

“**5.01.** The 24th of June is a statutory general holiday under the National Holiday Act (R.S.Q., c. F-1-1).”.

9. Section 5.02 is amended by inserting “25,” after “24,”.

10. Section 6.03 is amended by substituting “4.4%” for “4%”.

11. Section 6.03.1 is amended by substituting “10.76%” for “10.36”.

12. The following is substituted for section 9.01:

“**9.01.** (1) The minimum hourly rate payable to the service mechanic, the installation mechanic, the shop mechanic and the tank truck mechanic is established as follows for each class of employment:

Class of Employment	As of (insert here date of coming into force of this Decree)
A	\$23.05
B	\$19.05
C	\$15.95

(2) The labourer is paid according to the number of hours accumulated since the date on which he is hired. The minimum hourly rate payable is established as follows as of (insert here date of coming into force of this Decree):

starting:	\$13.24
after 2000 hours:	\$13.65
after 4000 hours:	\$14.10
after 6000 hours:	\$14.69.

(3) The minimum hourly rate payable to a student is \$9.42.

(4) For each 4 employees in his employ, the employer has an employee paid at the Class A rate.

For the purposes of this paragraph, the multiple of 4 is deemed to be reached as soon as the number of employees reaches a number lower than 1 below the multiple of 4.”.

13. Section 10.04 of the French text is amended by inserting, after the word “travail”, the words “ou sur le chantier”.

14. The following is substituted for sections 11.02 to 11.04:

“**11.02.** The employer contributes to the fringe benefits plan managed by the Comité paritaire de l’installation d’équipement pétrolier du Québec, the sum of \$14 per week for each of his employees, except for the student.

11.03. The employer deducts from the pay of each of his employees, except for the student, the sum of \$14 per week, for the fringe benefits fund.

11.04. In order for an amount of money to be paid by the employer under section 11.02 or for an amount of money to be deducted from the wages of an employee under section 11.03, an employee must have worked 24 hours or more during the week, including overtime hours.

Where an employee works less than 24 hours during the week, the amount paid by the employer or that deducted from the wages of the employee are respectively \$0.35 for each hour worked.”.

15. Section 11.06 is revoked.

16. Section 11.08 is amended by substituting the following for paragraph 1:

“(1) The employer pays into the pension plan of employees, except for students, the amount of \$0.32 for each hour worked by the employees. The employer deducts from the pay of his employees the amount that each of them elects to pay each year as contribution. However, that amount may not be lower than \$0.32 for each hour worked.”.

17. The following is substituted for section 12.01:

“**12.01.** This Decree remains in force until 31 December 2001. It is then renewed automatically from year to year thereafter, unless one of the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of August of the year 2001 or during the month of August of any subsequent year.”.

18. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

4208

Draft Regulation

Land Surveyors Act
(R.S.Q., c. A-23)

Land surveyors

— Standards of practice relating to the delimitation of the water domain

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des arpenteurs-géomètres du Québec, at its meetings held on 24 and 25 February 2000, adopted the Regulation respecting the standards of practice relating to the delimitation of the water domain.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Then, it shall be submitted, with the recommendation of the Office, to the Government which, pursuant to the same section, may approve it with or without amendment upon the expiry of 45 days following this publication.

The purpose of the Regulation is to standardize and clarify the basic standards of practice for the carrying out of survey work requiring official or private delimitation in the water domain, that is, establishing the limit of a piece of land, a zone or an administrative entity bounded by a watercourse or a body of water. It re-establishes the cohesion necessary for the proper interpretation of practical clauses pursuant to various regulations in force. It consists in a formalization of good practice in that field.

The Regulation specifies and clarifies the terminology used for the delimitation of the water domain by making a distinction between the main hydrologic contexts to which different types of limits recognized by the law and practice apply. The elements of the method are organized so as to remedy every problem that may arise within the delimitation of the water domain according to the same survey logic.

According to the Ordre des arpenteurs-géomètres du Québec,

1. with respect to the protection of the public, the Regulation allows the right of ownership to be better exercised along watercourses and bodies of water because